



# PLAN AMENDMENT/ REZONING REPORT

▶ **FILE #:** 1-X-23-RZ  
1-K-23-SP

**AGENDA ITEM #:** 31  
**AGENDA DATE:** 1/12/2023

▶ **APPLICANT:** TAYLOR D. FORRESTER  
**OWNER(S):** Richard & Virginia Lowery

**TAX ID NUMBER:** 36 028 (PART OF)

[View map on KGIS](#)

**JURISDICTION:** Commission District 7

**STREET ADDRESS:** 9505 HEISKELL RD

▶ **LOCATION:** East side of Heiskell Rd, north of E Raccoon Valley Dr

▶ **TRACT INFORMATION:** 0.53 acres

**SECTOR PLAN:** North County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Heiskell Rd, a minor arterial with a 23-ft pavement width within an 88-ft right-of-way.

**UTILITIES:** Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

**WATERSHED:** Bullrun Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** LDR (Low Density Residential), GC (General Commercial) / A (Agricultural)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** GC (General Commercial) / CA (General Business)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

▶ **EXTENSION OF PLAN DESIGNATION/ZONING:** Yes/ Yes

**HISTORY OF ZONING REQUESTS:** None noted

**SURROUNDING LAND USE, PLAN DESIGNATION,** North: Agriculture/forestry/vacant - LDR (Low Density Residential) - A (Agricultural)

**ZONING** South: Agriculture/forestry/vacant - GC (General Commercial) - CA (General Business)

East: Agriculture/forestry/vacant - LDR (Low Density Residential) - A (Agricultural)

West: Agriculture/forestry/vacant - LDR (Low Density Residential) - A (Agricultural)

**NEIGHBORHOOD CONTEXT:** This rural area is comprised of single family homes on large lots, modest commerce and farmland among forested hillside.

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**STAFF RECOMMENDATION:**

- ▶ **Approve the sector plan amendment to GC (General Commercial) because it is a minor extension of this designation from the south and it is compatible with surrounding conditions.**
  
- ▶ **Approve the CA (General Business) zone because it is a minor extension of this zone from the south, and it is consistent with surrounding development.**

**COMMENTS:**

SECTOR PLAN AMENDMENT REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

1. The applicant is proposing a minor extension of the GC (General Commercial) land use designation. While there have been no apparent changes in the immediate area, the intersection of Raccoon Valley Rd. and Heiskell Rd. is a commercial and institutional hub that is frequently visited by the surrounding community. There is a post office, a fire station, a market & deli and a church that are part of this community node. The proposed half-acre expansion of the GC designation would support development of additional commercial amenities in this rural area where there is demand for local access to such services.

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. The subject property is located along a minor arterial street that joins a major arterial street. While there have been no new roads or utilities in this area, the existing infrastructure supports a modest expansion of the GC designation.

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The subject parcel is located between the Childress Branch stream along its northern border and a GC-designated parcel to the south that is owned by the applicant. Stream buffering requirements to the north and commercial uses to the south are not ideal conditions for the property's current LDR (Low Density Residential) land use designation. By joining this parcel with the southern GC designation, the owner has more feasible development options. This practical consideration was omitted in the sector plan.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. As noted, the existing commercial and institutional node is a popular destination for the surrounding rural community. This tendency for the local population to gather at this location warrants consideration of GC expansion on the subject property.

PURSUANT TO THE KNOX COUNTY ZONING ORDINANCE, ARTICLE 6:30.01, THE FOLLOWING CONDITIONS MUST BE MET FOR ALL REZONINGS (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. The current commercial node is heavily trafficked by the surrounding community, likely due to the fact that there are no other commercial services for many miles. Existing conditions point to the need for an expansion of the requested CA (General Business) zone to enable enhancement of this popular gathering place.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. The CA zone is intended for retail business and services, and not manufacturing. The subject property's location next to a commercial node patronized by local residents is the appropriate context for a minor extension of the CA zone.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. There are no adverse impacts anticipated with the proposed rezoning. The subject property is a challenging place for its current A (Agricultural) zone because of its proximity to commercial zoning and an active stream

and its half-acre size. It is an appropriate location for an extension of CA zoning.

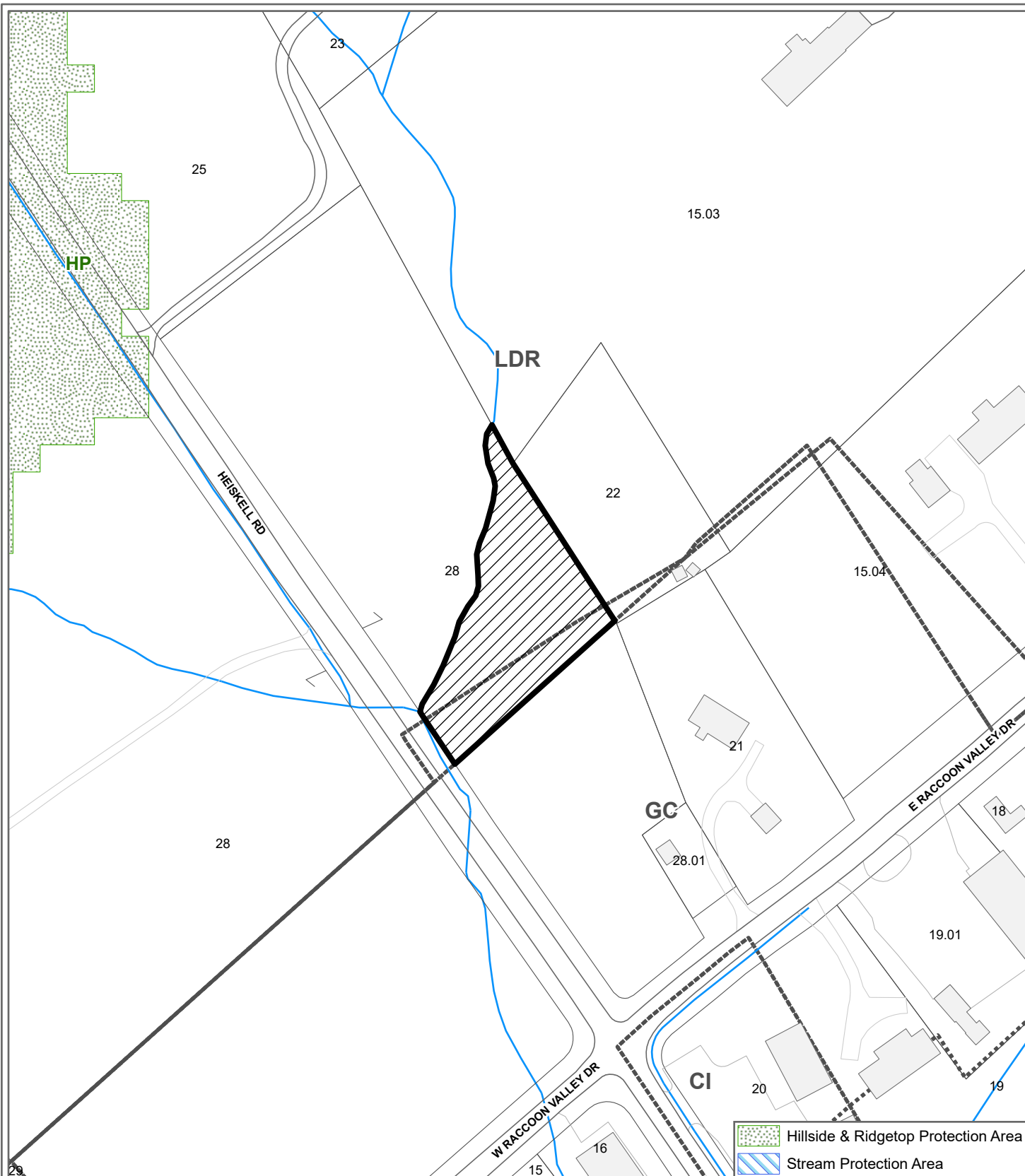
THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The proposed rezoning is consistent with the recommended amendment to the sector plan.
2. The CA zone at this location is not in conflict with the General Plan or any other adopted plans.

ESTIMATED TRAFFIC IMPACT: Not required.

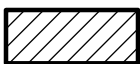
ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 2/21/2023. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal a Planning Commission decision in the County.



**1-K-23-SP / 1-X-23-RZ  
NORTH COUNTY SECTOR PLAN AMENDMENT**

From: LDR (Low Density Residential), GC (General Commercial)  
To: GC (General Commercial)

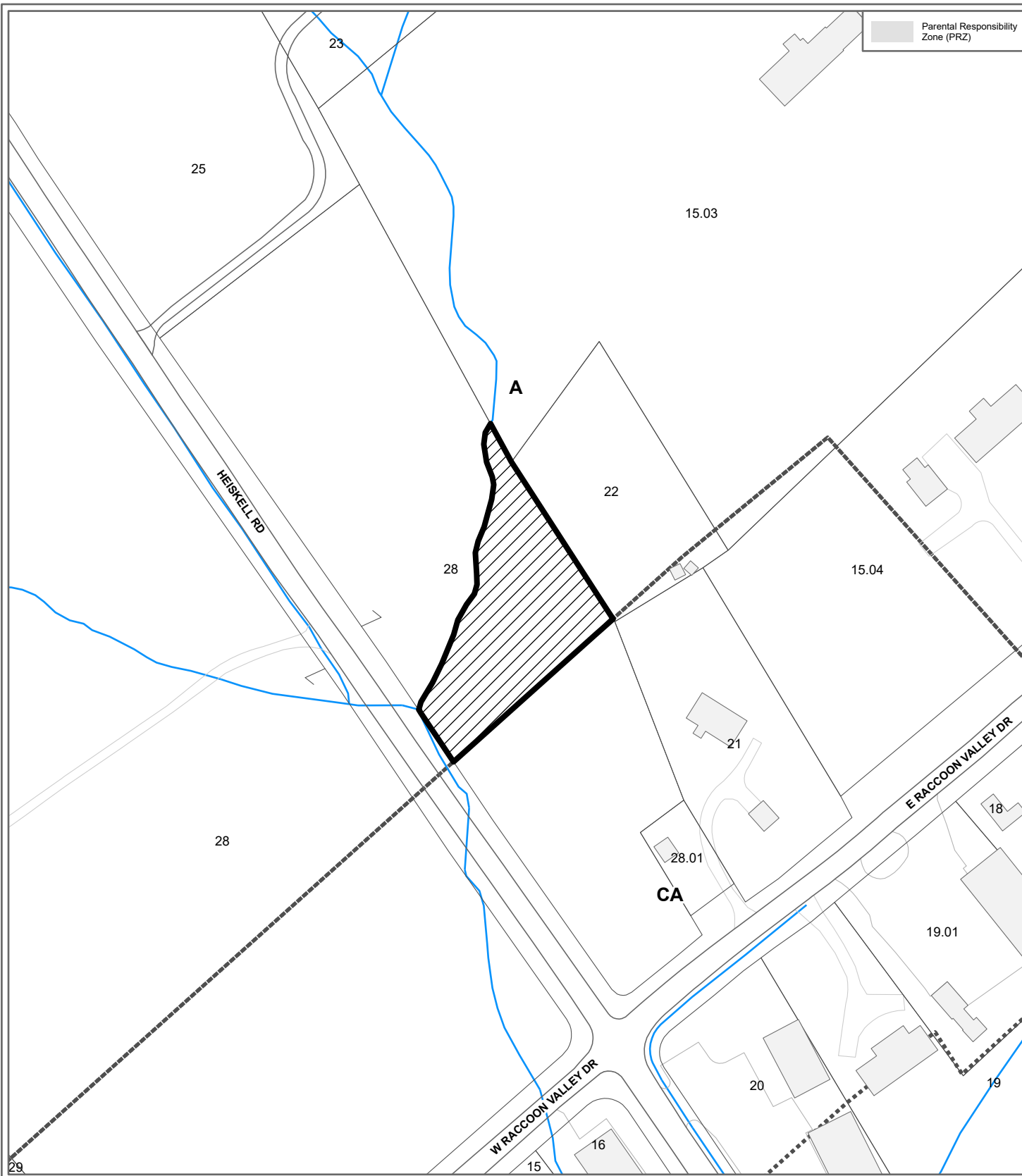


Original Print Date: 12/19/2022      Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Taylor D. Forrester

Map No: 36  
Jurisdiction: County

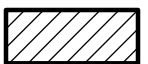




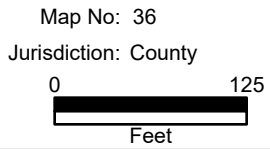
Parental Responsibility Zone (PRZ)

**1-X-23-RZ  
REZONING**

Petitioner: Taylor D. Forrester



From: A (Agricultural)  
To: CA (General Business)



Original Print Date: 12/19/2022      Revised:  
Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

**KNOXVILLE-KNOX COUNTY PLANNING COMMISSION  
A RESOLUTION AMENDING THE NORTH COUNTY SECTOR PLAN**

*WHEREAS, the Knoxville-Knox County Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and*

*WHEREAS, the Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

*WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and*

*WHEREAS, the Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the North County Sector Plan consistent with the requirements of the General Plan; and*

*WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within plans initiated by the Planning Commission or in response to applications from property owners; and*

*WHEREAS, Taylor D. Forester has submitted an application for an amendment to the North County Sector Plan for property described in the application; and*

*WHEREAS, the Planning Commission recommends approval of an amendment to the Sector Plan from Low Density Residential to General Commercial is consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and*

*WHEREAS, the Planning Commission, at its regularly scheduled public hearing January 12, 2023 after consideration of the staff recommendation and testimony from those persons in support and opposed to the plan amendment, approved the amendment for the subject property, as requested, and/or amended.*

**NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY PLANNING COMMISSION:**

*SECTION 1: The Planning Commission hereby adopts the revised amendment to the North County Sector Plan with its accompanying staff report and map, file #1-K-23-SP*

*SECTION 2: This Resolution shall take effect upon its approval.*

*SECTION 3: The Planning Commission further recommends that Knox County Commission likewise consider this revised amendment to the General Plan 2033.*

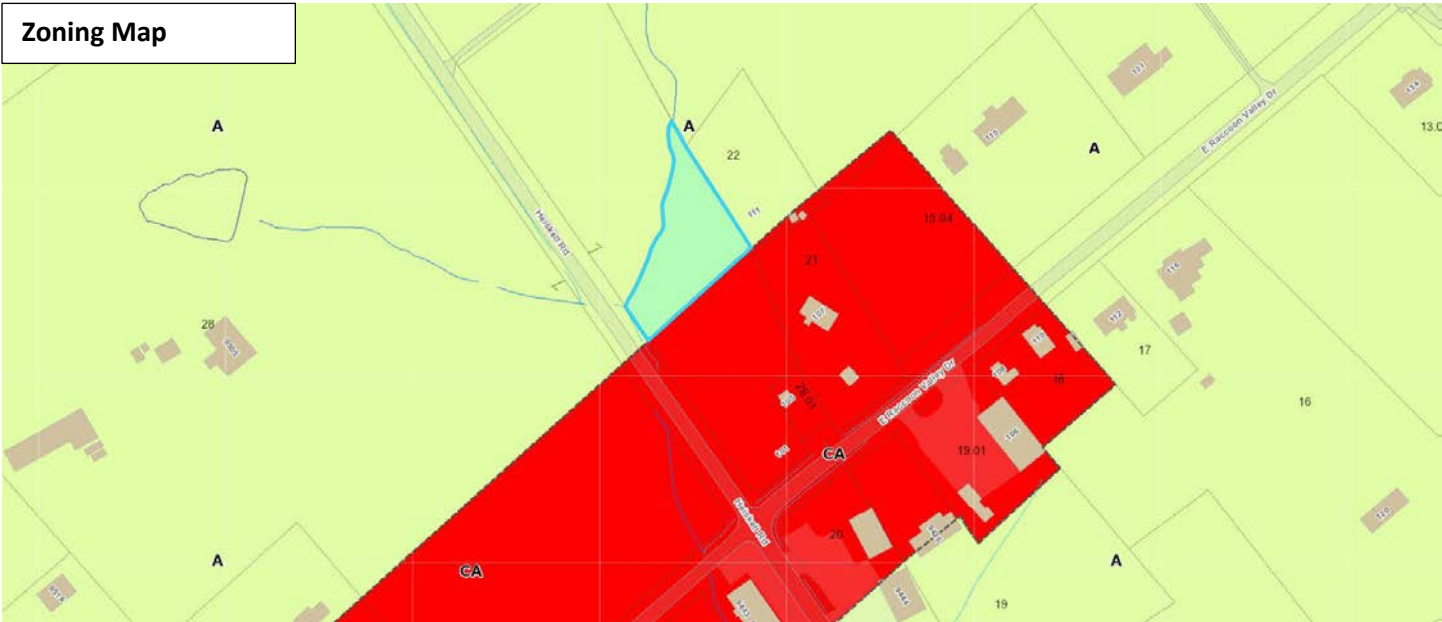
\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

# Exhibit B. 1-X-23-RZ/ 1-K-23-SP Context Images

Zoning Map



Sector Plan Map





# Exhibit B. 1-X-23-RZ/ 1-K-23-SP Context Images

Existing Land Use Map



Aerial Map







# Development Request

## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
  - Sector Plan
  - One Year Plan
- Rezoning

**Taylor D. Forrester**

Applicant Name

Affiliation

**12/5/2022**

Date Filed

**1/12/2023**

Meeting Date (if applicable)

**1-X-23-RZ / 1-K-23-SP**

File Number(s)

## CORRESPONDENCE

*All correspondence related to this application should be directed to the approved contact listed below.*

**Taylor D. Forrester Long, Ragsdale and Waters, PC**

Name / Company

**1111 N. Northshore Dr. Dr. Suite S-700 Knoxville TN 37919**

Address

**865-584-4040 / tforrester@lrwlaw.com**

Phone / Email

## CURRENT PROPERTY INFO

**Richard & Virginia Lowery**

Owner Name (if different)

**PO Box 34 Heiskell TN 37754**

Owner Address

Owner Phone / Email

**9505 HEISKELL RD**

Property Address

**36 028 (part of)**

Parcel ID

Part of Parcel (Y/N)?

**0.53 acres**

Tract Size

**Hallsdale-Powell Utility District**

Sewer Provider

**Hallsdale-Powell Utility District**

Water Provider

Septic (Y/N)

## STAFF USE ONLY

**East side of Heiskell Rd, north of E Raccoon Valley Dr**

General Location

City

**Commission District 7**

**A (Agricultural)**

**Agriculture/Forestry/Vacant Land**

Count

District

Zoning District

Existing Land Use

**North County**

Planning Sector

**LDR (Low Density Residential), GC (General Commercial)**

Sector Plan Land Use Classification

**Planned Growth Area**

Growth Policy Plan Designation

## DEVELOPMENT REQUEST

- Development Plan    Planned Development    Use on Review / Special Use  
 Hillside Protection COA    Residential    Non-residential

Related City Permit Number(s)

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

## SUBDIVISION REQUEST

Proposed Subdivision Name

Related Rezoning File Number

Unit / Phase Number

Total Number of Lots Created

Additional Information \_\_\_\_\_

- Attachments / Additional Requirements

## ZONING REQUEST

- Zoning Change   **CA (General Business) (portion of parcel)**  
Proposed Zoning

Pending Plat File Number

- Plan Amendment   **GC (General Commercial) (portion of parcel)**  
Proposed Plan Designation(s)

Proposed Density (units/acre)   Previous Zoning Requests

Additional Information \_\_\_\_\_

## STAFF USE ONLY

### PLAT TYPE

- Staff Review    Planning Commission

Fee 1

Total

**\$1,650.00**

### ATTACHMENTS

- Property Owners / Option Holders    Variance Request

Fee 2

### ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)  
 Design Plan Certification (Final Plat)  
 Site Plan (Development Request)  
 Traffic Impact Study  
 Use on Review / Special Use (Concept Plan)

Fee 3

## AUTHORIZATION

Applicant Signature   **Taylor D. Forrester**  
Please Print

**12/5/2022**

Date

Phone / Email

Property Owner Signature   **Richard & Virginia Lowery**  
Please Print

**12/5/2022**

Date

I declare under penalty of perjury the foregoing (i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent) is true and correct.



# Development Request

### DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

### SUBDIVISION

- Concept Plan
- Final Plat

### ZONING

- Plan Amendment
  - SP  OYP
- Rezoning

Taylor D. Forrester

Attorney

Applicant Name

Affiliation

November 28, 2022

January 12, 2023

File Number(s)

Date Filed

Meeting Date (if applicable)

### CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Taylor D. Forrester

Long, Ragsdale & Waters, PC

Name

Company

1111 N. Northshore Drive, Suite S-700

Knoxville

TN

37919

Address

City

State

ZIP

965-584-4040

TForrester@lrwlaw.com

Phone

Email

### CURRENT PROPERTY INFO

Richard and Virginia Lowery

P.O. Box 34, Heiskell, TN 37754

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

9505 Heiskell Rd (request is limited to a portion of property)

036 028

Property Address

Parcel ID

Sewer Provider

Water Provider

Septic (Y/N)

### STAFF USE ONLY

General Location

Tract Size

City  County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

August 29, 2022

**DEVELOPMENT REQUEST**

- Development Plan    Use on Review / Special Use    Hillside Protection COA  
 Residential    Non-Residential

Home Occupation (specify) \_\_\_\_\_

Other (specify) \_\_\_\_\_

Related City Permit Number(s)

**SUBDIVISION REQUEST**

Proposed Subdivision Name \_\_\_\_\_

\_\_\_\_\_  Combine Parcels    Divide Parcel

Unit / Phase Number \_\_\_\_\_

Total Number of Lots Created \_\_\_\_\_

 Other (specify) \_\_\_\_\_ Attachments / Additional Requirements \_\_\_\_\_

Related Rezoning File Number

**ZONING REQUEST** Zoning Change   **CA (for only a portion of the property - see attachment)**

Proposed Zoning \_\_\_\_\_

 Plan Amendment Change**GC (for only a portion of the property - see attachment)**

Proposed Plan Designation(s) \_\_\_\_\_

Proposed Density (units/acre) \_\_\_\_\_

Previous Rezoning Requests \_\_\_\_\_

 Other (specify) \_\_\_\_\_

Pending Plat File Number

**STAFF USE ONLY****PLAT TYPE** Staff Review    Planning Commission**ATTACHMENTS** Property Owners / Option Holders    Variance Request**ADDITIONAL REQUIREMENTS** Design Plan Certification (*Final Plat*) Use on Review / Special Use (*Concept Plan*) Traffic Impact Study COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

**\$1,650.00**

Fee 3

**AUTHORIZATION**

Taylor D. Forrester

Digitally signed by Taylor D. Forrester  
 DN: cn=Taylor D. Forrester, o=Law Office of Taylor D. Forrester, c=US, email=tdforrester@lrwlaw.com

Taylor D. Forrester

11/28/22

Applicant Signature

Please Print

Date

865-584-4040

TForrester@lrwlaw.com

Phone Number

Email

Property Owner Signature

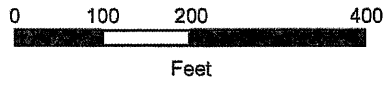
Please Print

Date

*I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.*



**Requested area for sector plan amendment and rezoning is the cross hatched section**

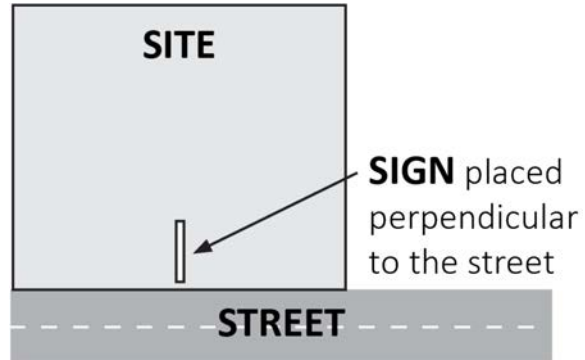


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The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

## LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

## TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

*The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:*

\_\_\_\_\_ 12/29/2022 \_\_\_\_\_ and \_\_\_\_\_ 1/13/2023 \_\_\_\_\_  
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Taylor Forrester

Date: 12/5/22

File Number: 1-X-23-RZ\_1-K-23-SP

- Sign posted by Staff  
 Sign posted by Applicant